

Improving Multi-Agency Risk Assessment and interventions for victims of domestic abuse

A Scottish Government consultation

November 2018

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Foreword – Christina McKelvie, Minister for Older People and Equalities

Violence against women and girls, in any form, has no place in our vision for a safe, strong, successful Scotland. It damages health and wellbeing, limits freedom and potential, and is a violation of the most fundamental human rights. Domestic abuse is one of the many forms of ways this violence manifests.

The Domestic Abuse (Scotland) Act 2018 has created a new criminal offence of domestic abuse. This is a key part of our response to

the issue of domestic abuse and will help empower our justice partners with the powers they need to tackle perpetrators.

Overseeing this work, Equally Safe is Scotland's strategy to prevent and eradicate violence against women and girls, developed jointly with CoSLA and in association with a wide range of partners from public and third sector organisations. Its delivery plan sets out a number of actions to improve the service response for survivors of domestic abuse.¹ This consultation is one of those actions.

Over the years it has become increasingly clear that effective responses to domestic abuse require a consistent multi-agency approach, and Multi Agency Risk Assessment Conferences (MARACs) are one factor in helping to ensure that this is delivered. MARACs can ensure that individuals at greatest risk from domestic abuse are supported through safe, relevant and proportionate information sharing, and the development of an effective multi-agency action plan to increase their safety.

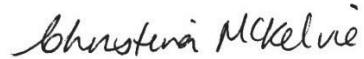
Since MARACs first came into being in 2005 they have continued to evolve and are now a well-recognised feature of the multi-agency response to domestic abuse. They are operating in a number of Local Authority areas across Scotland..

A proper multi-agency focus recognises that many factors are at play in cases of domestic abuse and that the effective sharing of information about individuals is vital to identify and mitigate risk of serious harm through robust safety plans and meet the objective of increasing the safety and well-being of those affected and that they contribute to improving agency accountability.

In seeking your views on strengthening multi-agency risk assessment and intervention for victims of domestic abuse, we want to ensure that thinking on how we can best do this is informed by the best possible evidence. We intend to achieve this by gathering the views of those who are directly involved in protecting people at high risk of violence and who are working in partnership with others to ensure that interventions are early and effective.

¹ [Equally Safe delivery plan](#)

Embedding accountability, effective multi-agency working and appropriate information sharing through genuinely collaborative partnership working will ensure our collective approach works to keep all those who are affected by domestic abuse safe and protected from those who choose to harm them.

A handwritten signature in black ink that reads "Christina McKelvie".

Christina McKelvie
Minister for Older People and Equalities

1. Part 1: THE CONSULTATION

Why we consult

Consultation is an essential part of the policy making process. It gives us the opportunity to get your opinion and expertise on a proposed area of work. You can find all Scottish Government forthcoming, open and closed consultations online at <https://consult.scotland.gov.uk/>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post. After a consultation is closed we publish all responses where you have given us permission to do so. Responses are analysed and used as part of the policy making process, along with a range of other available information and evidence. Responses to this consultation will help to inform the improvement of multi-agency risk assessment conferences (MARACs).

Deadline

The consultation was published 30 November 2018 and closes at midnight on 2 March 2019.

How to Respond

You can respond to this consultation online, by email, or by post. Our preference is to receive responses online.

Respond Online

To respond online please use the Scottish Government's Consultation Hub, Citizen Space, <https://consult.gov.scot/local-government-and-communities/improving-multi-agency-risk-assessment-conferences>. You can save and return to your response at any time while the consultation is open, but please ensure that your response is submitted before the consultation closes at midnight on 2 March 2019. You will automatically be emailed a copy of your response after you submit it. If you choose this method you will be directed to complete the Respondent Information Form. The Respondent Information Form lets us know how you wish your response to be handled, and in particular whether you are happy for your response to be made public.

Other Ways to Respond

If you prefer you can also submit a written response in hard copy to The Equality Unit, 3H-North, Victoria Quay, Edinburgh EH6 6QQ or, by email to equallysafe@gov.scot. If you would like to submit your response by email or by post, please ensure that you complete the Respondent Information Form provided and attach it alongside your response. The Respondent Information Form lets us know how you wish your response to be handled, and in particular whether you are happy for your response to be made public. It is helpful if you can be clear which question you are responding to so that we can make sure that we take your views into account in the right place.

Next Steps

After the consultation has closed we will analyse all the responses received and use your feedback to help inform policy in this area. Where permission has been given, we will make all responses available to the public at <https://consult.scotland.gov.uk/>. The responses to the consultation and analysis will be published in due course. Impact assessments will also be carried out in relation to developing policy proposals.

Complaints

If you have a complaint about how this consultation has been conducted you can send your query by email to Trevor.Owen@gov.scot, or by hard copy to Trevor Owen, The Equality Unit, Area 3H-North, Victoria Quay, Edinburgh, EH6 6QQ

Part 2: MARAC AS A MODEL OF MULTI-AGENCY RISK ASSESSMENT AND WORKING

What is a MARAC?

Domestic abuse is a fundamental violation of human rights and no level of domestic abuse is acceptable. Domestic abuse can escalate into stalking, sexual assault and murder² and we have a duty to take steps to protect those at the greatest risk of harm.

MARACs are regular, local meetings where information about domestic abuse victims at risk of the most serious levels of harm (including murder)³ is shared between representatives from a range of local agencies to inform a coordinated action plan to increase the safety of the victim and their children.⁴

The victim does not attend the meeting but is represented by an Independent Domestic Abuse Advocate (IDAA) - who supports victims (through risk assessment, safety planning and institutional advocacy) and makes sure their views are heard, that agencies are held to account and that victims are kept informed after the meeting.

At the heart of a MARAC is the working assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety. MARAC, with its focus upon working collaboratively to ensure the safety of domestic abuse victims and their children, allows partners involved to share those insights and to develop robust and effective safety plans.

There is no statutory obligation to hold MARACs. The Scottish Government funds SafeLives to support the development of MARACs across Scotland and SafeLives independently collects and reports on Scottish MARAC data.⁵

The 4 aims of MARAC are:

- To safeguard victims (and their children);
- Make links with other public protection arrangements in relation to children, perpetrators and vulnerable adults;
- Safeguard agency staff; and
- Address the behaviour of the perpetrator.

² Office of National Statistics (2016) Compendium – Homicide (average taken over 10 years)

³ Risk of harm through domestic abuse is assessed using the Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH, 2009) Risk Identification and Assessment and Management Model: <https://www.dashriskchecklist.co.uk/>

⁴ On terminology: we understand that some people prefer the term “survivors” but are using the term “victims” throughout this consultation to illustrate the individual’s continued risk of harm from domestic abuse.

⁵ The Scottish Government is funding SafeLives over £50,000 in 2018-2019 to support MARAC development in Scotland.

There are currently MARACs operating in 26 local authorities in Scotland with the remaining 6 in various stages of development.

To explore further the potential for developing a collaborative approach that underpins MARAC, in 2016 the Scottish Government provided funding to SafeLives to produce a baseline report detailing the position of MARAC in Scotland.

In that report, SafeLives highlighted common challenges and successes of MARAC delivery across Scotland (using the 10 Principles of an Effective MARAC as a framework) and made recommendations about what is required to improve practice⁶. The baseline report was presented to key stakeholders at a roundtable in 2017, and generated discussion which demonstrated there is an appetite to gather further Scottish-specific evidence, and consideration of risk assessment models.

⁶ See footnote 8 for link to report.

Part 3: WHAT WE WANT TO ACHIEVE

The Scottish Government wishes to improve multi-agency risk assessment and working for victims of domestic abuse in Scotland and ensure a more consistent approach locally. We recognise the importance of taking a multi-agency approach towards protecting victims at high risk from domestic abuse, and we wish to explore how best to strengthen local arrangements to support the objectives of Equally Safe.

The Scottish Government wishes to explore:

- Models of risk assessment
- Information sharing
- Safety planning
- Relevant partners
- Guidance
- Provision in statute for effective arrangements

Relevant agencies/sectors we wish to include in developing our approach to this work:

- Police Scotland
- Independent Domestic Abuse Advocates (IDAAAs)
- Education
- Children and Families Social Work
- Criminal Justice Social Work
- Adult Protection
- NHS Scotland (physical and mental health representatives)
- Drug and Alcohol Services
- Local authority housing services which may include Scottish Federation of Housing Authorities (SFHA) and Registered Social Landlords (RSLs)
- Scottish Prison Service
- Scottish Fire and Rescue Service
- Specialist domestic abuse and children's support services
- Violence Against Women Partnerships

Improving and embedding effective working across Scotland is a part of our work to support victims of domestic abuse and to hold perpetrators accountable for their actions. This requires a coordinated approach across services, ensuring that they respond appropriately and sensitively to victims at a local level. The inclusion of different services in a genuinely multi-agency approach recognises that many factors are at play in cases of domestic abuse and that the effective sharing of information about individuals is vital to identify and mitigate risk of serious harm and to improve agency accountability.

Part 4: POLICY AND LEGISLATIVE CONTEXT

The Scottish Government's work on tackling domestic abuse more widely is underpinned by a legislative framework and guided by a number of strategic documents.

Equally Safe

Equally Safe: Scotland's strategy to prevent and eradicate violence against women and girls, the Scottish Government and COSLA's joint strategy was first published in 2014, updated in 2016⁷ and is complemented by a Delivery Plan published in 2017⁸. It has been developed in close collaboration with a number of stakeholders, many of whom have drawn on the voices and experiences of women and children impacted by gender based violence.

The strategy sets out a vision of a strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse, as well as the attitudes that perpetuate it. It articulates a shared understanding of the causes, risk factors and scale of the problem. It highlights the need to prioritise prevention, and it sets out how we will develop the performance framework which allows us to know whether we are realising our ambitions. We are committed to working collaboratively with partners and achieve change by making best use of available resources and with a clear governance framework underpinning delivery. A Joint Strategic Board has been established to oversee progress and identify emerging issues, and a Joint Delivery Group has been established to drive progress and embed collaborative working nationally.

The United Nations' own definition of violence against women and girls⁹ has guided the development of policy in this area for many years; it recognises that this violence is both cause and consequence of gender inequality. Our definition, drawn from the UN definition, states that:

"Gender based violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly carry out such violence, and women who are predominantly the victims of such violence. By referring to violence as 'gender based' this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence."

⁷ [Equally Safe, Scotland's strategy to prevent and eradicate violence against women and girls](#)

⁸ [Equally Safe delivery plan](#)

⁹ <http://www.un.org/documents/ga/res/48/a48r104.htm>

When we talk about violence against women and girls, we refer to a continuum of violence which includes domestic abuse, rape and sexual assault, sexual harassment, commercial sexual exploitation (such as prostitution), and so called 'honour based' violence (such as Female Genital Mutilation and Forced Marriage).

Equally Safe delivery plan

The Equally Safe delivery plan sets out 118 actions over 2017-2021 to help to make the vision of Equally Safe a reality. These actions are set out under the four strategic priorities of Equally Safe.

The work to improve multi agency risk assessment and working for victims of domestic abuse sits within priorities 3:

- Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people
 - Justice responses are robust, swift, consistent and coordinated
 - Women, children and young people access relevant, effective and integrated services
 - Service providers competently identify violence against women and girls, and respond effectively to women, children and young people affected

And 4:

- Men desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective response
 - Justice responses are robust, swift, consistent and coordinated
 - Men who carry out violence against women and girls are identified early and held to account by the criminal and civil justice system
 - Relevant links are made between the experience of women, children and young people in the criminal and civil system¹⁰

Helping services improve their knowledge of the signs of domestic abuse and of how to work together collaboratively will increase the early identification of victims and their safety. Greater awareness of good practice across services will also improve their collaboration and consistency of support offered to victims as well as holding perpetrators accountable for their actions.

Action 3.11 of the delivery plan:

3.11	Consult on how to embed consistent and effective operation of multi-agency structures to support high risk victims of domestic abuse, including consideration of national guidance and the creation of a statutory underpinning	2017-2018	Scottish Government
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¹⁰ Although priorities 3 and 4 refer to men consistently as the perpetrators as Equally Safe's primary purpose is as a strategy to prevent and eradicate violence against women and girls, MARACs and the steps we are taking to support victims of domestic abuse are for all victims, regardless of sex or sexual orientation.

Legislation

There is a range of legislation that covers domestic abuse and other forms of gender based violence. These include:

- The Domestic Abuse (Scotland) Act 2018 which introduces a specific statutory criminal offence of domestic abuse
- The Abusive Behaviour and Sexual Harm (Scotland) Act 2016 which includes a Domestic Abuse Aggravation and criminalises the non-consensual sharing of intimate images
- Criminal Justice and Licensing (S) Act 2010 which introduced a new offence of stalking and a new offence of ‘threatening or abusive behaviour’ (a response to a court judgment which limited the scope of breach of the peace with respect to incidents which occurred in private).The Sexual Offences (Scotland) Act 2009 – Rape and Sexual Assault
- Protection from Harassment Act 1997 (section 8) Harassment
- The Children (Scotland) Act 1995 (section 11) welfare of the child affected by domestic abuse
- Common law assault
- Common law breach of the peace

Part 5: IMPROVING MULTI AGENCY RISK ASSESSMENT AND WORKING FOR VICTIMS OF DOMESTIC ABUSE

We welcome your views on the following questions.

Effective working, risk identification and referral pathways

To ensure effective multi-agency working and improve the safety of victims of domestic abuse we need to ensure that more people are aware of the signs of domestic abuse, know how to assess someone as being at high risk and know how to refer that individual to the appropriate forum. By improving knowledge of the above amongst staff in public bodies such as NHS Scotland, Police Scotland, Scottish Fire and Rescue Services, children's services and education we will be able to help more people at risk by finding them no matter which service/agency they come into contact with. We need to have a clearly agreed model of multi-agency working, and to have a commonly agreed approach to identifying risk.

QUESTION 1: How can we ensure training on domestic abuse and appropriate risk assessment tools for public bodies, agencies and services staff?

QUESTION 2: In your view, what is the best model of multi-agency working for ensuring effective and early interventions for victims of domestic abuse?

QUESTION 3: In your view, what is the best model for professionals assessing risk in relation to domestic abuse?

QUESTION 4: In your view, who are the key partners that should be involved in multi-agency working to support victims of domestic abuse?

QUESTION 5: In your view, what guidance is required to support and embed effective multi-agency working for victims of domestic abuse?

Information sharing

Information sharing amongst agencies and confusion over what information agencies/services can share may adversely affects the effectiveness of multi-agency working. We would like to ensure that all public body, agency and service representatives working together are clear about their roles and what information they should be sharing to ensure the safety of the individual in question.

QUESTION 6: What protocols need to be put in place to ensure effective information sharing between agencies?

Effective underpinning through statute

QUESTION 7: Do you think that multi-agency arrangements for protecting victims of domestic abuse should be placed on a statutory footing?

Glossary

IDAA (Independent Domestic Abuse Advocate) is a single specialist professional who works with a victim to develop a trusting relationship and who can help with everything they need to become safe. Since they work with the highest risk cases, Idaas are most effective as part of an Idaa service and within a multi-agency framework. The Idaa's role in all multi-agency settings is to keep the client's perspective and safety at the centre of proceedings. Studies have shown that when clients experiencing high-risk abuse engage with an Idaa, there are clear and measurable improvements in safety, including a reduction in the escalation and severity of abuse and a reduction or even cessation in repeat incidents of abuse. This creates the context in which other needs can be met.

MARAC (Multi Agency Risk Assessment Conference) is a regular, local, confidential meeting to discuss how to help victims and survivors at high risk of being murdered or seriously harmed. A domestic abuse specialist (Idaa), police, children's social services, health and other relevant agencies sit round the same table. They talk about the circumstances faced by the victim or survivor, perpetrator and their children, and share information. This information then informs an action plan which all agencies contribute to, with the Idaa acting as a vocal advocate for the victim's wishes and needs. The principal endeavour of the meeting is to help the victim become sustainably safe. Insights is a 'whole family' outcomes measurement programme specifically designed for specialist domestic abuse services supporting adults and children who have and/or are experiencing domestic abuse.

MATAC (Multi Agency Tasking and Coordination) is a Police Scotland initiative to identify and manage the most harmful domestic abuse perpetrators.

DASH is one type of risk checklist for the identification of cases of domestic abuse, stalking and 'honour-based' violence. It is primarily intended for professional – both specialist domestic abuse workers and other professionals working for universal services.



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